

Union Calendar No. 206

111TH CONGRESS
1ST SESSION

H. R. 1672

[Report No. 111-354]

To reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2009

Mr. LARSEN of Washington (for himself, Mr. INSLEE, and Mr. DICKS) introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 7, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 23, 2009]

A BILL

To reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Northwest Straits Ma-*
 5 *rine Conservation Initiative Reauthorization Act of 2009”.*

6 **SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MA-**
 7 **RINE CONSERVATION INITIATIVE ACT.**

8 *The Northwest Straits Marine Conservation Initiative*
 9 *Act (title IV of Public Law 105–384; 112 Stat. 3458) is*
 10 *amended—*

11 *(1) in section 402, by striking “(in this title re-*
 12 *ferred to as the ‘Commission’)”; and*

13 *(2) by striking sections 403 and 404;*

14 *(3) by redesignating section 405 as section 410;*

15 *and*

16 *(4) by inserting after section 402 the following*
 17 *new sections:*

18 **“SEC. 403. FINDINGS.**

19 *“Congress makes the following findings:*

20 *“(1) The marine waters and ecosystem of the*
 21 *Northwest Straits in Puget Sound in the State of*
 22 *Washington represent a unique resource of enormous*
 23 *environmental and economic value to the people of the*
 24 *United States.*

1 “(2) *During the 20th century, the environmental*
2 *health of the Northwest Straits declined dramatically*
3 *as indicated by impaired water quality, declines in*
4 *marine wildlife, collapse of harvestable marine spe-*
5 *cies, loss of critical marine habitats, ocean acidifica-*
6 *tion, and sea level rise.*

7 “(3) *At the start of the 21st century, the North-*
8 *west Straits have been threatened by sea level rise,*
9 *ocean acidification, and other effects of climate*
10 *change.*

11 “(4) *In 1998, the Northwest Straits Marine Con-*
12 *servation Initiative Act (title IV of Public Law 105–*
13 *384) was enacted to tap the unprecedented level of cit-*
14 *izen stewardship demonstrated in the Northwest*
15 *Straits and create a mechanism to mobilize public*
16 *support and raise capacity for local efforts to protect*
17 *and restore the ecosystem of the Northwest Straits.*

18 “(5) *The Northwest Straits Marine Conservation*
19 *Initiative helps the National Oceanic and Atmos-*
20 *pheric Administration and other Federal agencies*
21 *with their marine missions by fostering local interest*
22 *in marine issues and involving diverse groups of citi-*
23 *zens.*

24 “(6) *The Northwest Straits Marine Conservation*
25 *Initiative shares many of the same goals with the Na-*

1 *tional Oceanic and Atmospheric Administration, in-*
2 *cluding fostering citizen stewardship of marine re-*
3 *sources, general ecosystem management, and pro-*
4 *tecting federally managed marine species.*

5 *“(7) Ocean literacy and identification and re-*
6 *moval of marine debris projects are examples of on-*
7 *going partnerships between the Northwest Straits Ma-*
8 *rine Conservation Initiative and the National Oce-*
9 *anic and Atmospheric Administration.*

10 **“SEC. 404. DEFINITIONS.**

11 *“In this title:*

12 *“(1) COMMISSION.—The term ‘Commission’*
13 *means the Northwest Straits Advisory Commission es-*
14 *tablished by section 402.*

15 *“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has*
16 *the meaning given that term in section 4 of the In-*
17 *Indian Self-Determination and Education Assistance*
18 *Act (25 U.S.C. 450b).*

19 *“(3) NORTHWEST STRAITS.—The term ‘North-*
20 *west Straits’ means the marine waters of the Strait*
21 *of Juan de Fuca and of Puget Sound from the Cana-*
22 *dian border to the south end of Snohomish County.*

1 **“SEC. 405. MEMBERSHIP OF THE COMMISSION.**

2 “(a) *COMPOSITION.*—*The Commission shall be com-*
3 *posed of up to 14 members who shall be appointed as fol-*
4 *lows:*

5 “(1) *One member appointed by a consensus of*
6 *the members of a marine resources committee estab-*
7 *lished under section 408 for each of the following*
8 *counties of the State of Washington:*

9 “(A) *San Juan County.*

10 “(B) *Island County.*

11 “(C) *Skagit County.*

12 “(D) *Whatcom County.*

13 “(E) *Snohomish County.*

14 “(F) *Clallam County.*

15 “(G) *Jefferson County.*

16 “(2) *Two members appointed by the Secretary of*
17 *the Interior in trust capacity and in consultation*
18 *with the Northwest Indian Fisheries Commission or*
19 *the Indian tribes affected by this title collectively, as*
20 *the Secretary of the Interior considers appropriate, to*
21 *represent the interests of such tribes.*

22 “(3) *One member appointed by the Governor of*
23 *the State of Washington to represent the interests of*
24 *the Puget Sound Partnership.*

25 “(4) *Four members appointed by the Governor of*
26 *the State of Washington who—*

1 “(A) are residents of the State of Wash-
2 ington; and

3 “(B) are not employed by a Federal, State,
4 or local government.

5 “(b) VACANCIES.—A vacancy in the Commission shall
6 be filled in the manner in which the original appointment
7 was made.

8 “(c) CHAIRPERSON.—The Commission shall select a
9 Chairperson from among its members.

10 “(d) MEETING.—The Commission shall meet at the
11 call of the Chairperson, but not less frequently than quar-
12 terly.

13 “(e) LIAISON.—

14 “(1) IN GENERAL.—The Secretary of Commerce,
15 acting through the Under Secretary for Oceans and
16 Atmosphere and in consultation with the Director of
17 the Commission appointed under section 407(a), shall
18 appoint an employee of the National Oceanic and At-
19 mospheric Administration—

20 “(A) to serve as a liaison between the Com-
21 mission and the Department of Commerce; and

22 “(B) to attend meetings and other events of
23 the Commission as a nonvoting participant.

24 “(2) LIMITATION.—Service of an employee as an
25 appointee under paragraph (1)—

1 “(A) shall be limited to service as a liaison
2 and attendance of meetings and other events as
3 a nonvoting participant; and

4 “(B) does not obligate the employee to per-
5 form any duty of the Commission under section
6 406(b).

7 **“SEC. 406. GOAL AND DUTIES OF THE COMMISSION.**

8 “(a) GOAL.—The goal of the Commission is to protect
9 and restore the marine waters, habitats, and species of the
10 Northwest Straits region to achieve ecosystem health and
11 sustainable resource use by—

12 “(1) designing and initiating projects that are
13 driven by sound science, local priorities, community-
14 based decisions, and the ability to measure results;

15 “(2) building awareness and stewardship and
16 making recommendations to improve the health of the
17 Northwest Straits marine resources;

18 “(3) maintaining and expanding diverse mem-
19 bership and partner organizations;

20 “(4) expanding partnerships with governments of
21 Indian tribes affected by this title and continuing to
22 foster respect for tribal cultures and treaties; and

23 “(5) recognizing the importance of economic and
24 social benefits that are dependent on marine environ-
25 ments and sustainable marine resources.

1 “(b) *DUTIES.*—*The duties of the Commission are the*
2 *following:*

3 “(1) *To provide resources and technical support*
4 *for marine resources committees established under sec-*
5 *tion 408.*

6 “(2) *To work with such marine resources com-*
7 *mittees and appropriate entities of Federal and State*
8 *governments and Indian tribes affected by this title to*
9 *develop programs to monitor the overall health of the*
10 *marine ecosystem of the Northwest Straits.*

11 “(3) *To identify factors adversely affecting or*
12 *preventing the restoration of the health of the marine*
13 *ecosystem and coastal economies of the Northwest*
14 *Straits.*

15 “(4) *To develop scientifically sound restoration*
16 *and protection recommendations, informed by local*
17 *priorities, that address such factors.*

18 “(5) *To assist in facilitating the successful im-*
19 *plementation of such recommendations by developing*
20 *broad support among appropriate authorities, stake-*
21 *holder groups, and local communities.*

22 “(6) *To develop and implement regional projects*
23 *based on such recommendations to protect and restore*
24 *the Northwest Straits ecosystem.*

1 “(7) *To serve as a public forum for the discus-*
2 *sion of policies and actions of Federal, State, or local*
3 *government, an Indian tribe affected by this title, or*
4 *the Government of Canada with respect to the marine*
5 *ecosystem of the Northwest Straits.*

6 “(8) *To inform appropriate authorities and local*
7 *communities about the marine ecosystem of the North-*
8 *west Straits and about issues relating to the marine*
9 *ecosystem of the Northwest Straits.*

10 “(9) *To consult with all Indian tribes affected by*
11 *this title to ensure that the work of the Commission*
12 *does not violate tribal treaty rights.*

13 “(c) *BENCHMARKS.—The Commission shall carry out*
14 *its duties in a manner that promotes the achieving of the*
15 *benchmarks described in subsection (f)(2).*

16 “(d) *COORDINATION AND COLLABORATION.—The Com-*
17 *mission shall carry out the duties described in subsection*
18 *(b) in coordination and collaboration, when appropriate,*
19 *with Federal, State, and local governments and Indian*
20 *tribes affected by this title.*

21 “(e) *REGULATORY AUTHORITY.—The Commission*
22 *shall have no power to issue regulations.*

23 “(f) *ANNUAL REPORT.—*

24 “(1) *IN GENERAL.—Each year, the Commission*
25 *shall prepare, submit to the Committee on Commerce,*

1 *Science, and Transportation of the Senate, the Com-*
2 *mittee on Energy and Commerce of the House of Rep-*
3 *resentatives, and the Under Secretary for Oceans and*
4 *Atmosphere, and make available to the public an an-*
5 *ual report describing—*

6 *“(A) the activities carried out by the Com-*
7 *mission during the preceding year; and*

8 *“(B) the progress of the Commission in*
9 *achieving the benchmarks described in paragraph*
10 *(2).*

11 *“(2) BENCHMARKS.—The benchmarks described*
12 *in this paragraph are the following:*

13 *“(A) Protection and restoration of marine,*
14 *coastal, and nearshore habitats.*

15 *“(B) Prevention of loss and achievement of*
16 *a net gain of healthy habitat areas.*

17 *“(C) Protection and restoration of marine*
18 *populations to healthy, sustainable levels.*

19 *“(D) Protection of the marine water quality*
20 *of the Northwest Straits region and restoration*
21 *of the health of marine waters.*

22 *“(E) Collection of high-quality data and*
23 *promotion of the use and dissemination of such*
24 *data.*

1 “(F) *Promotion of stewardship and under-*
2 *standing of Northwest Straits marine resources*
3 *through education and outreach.*

4 **“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE**
5 **MATTERS.**

6 “(a) *DIRECTOR.—The Manager of the Shorelands and*
7 *Environmental Assistance Program of the Department of*
8 *Ecology of the State of Washington may, upon the rec-*
9 *ommendation of the Commission and the Director of the*
10 *Padilla Bay National Estuarine Research Reserve, appoint*
11 *and terminate a Director of the Commission. The employ-*
12 *ment of the Director shall be subject to confirmation by the*
13 *Commission.*

14 “(b) *STAFF.—The Director may hire such other per-*
15 *sonnel as may be appropriate to enable the Commission to*
16 *perform its duties. Such personnel shall be hired through*
17 *the personnel system of the Department of Ecology of the*
18 *State of Washington.*

19 “(c) *ADMINISTRATIVE SERVICES.—If the Governor of*
20 *the State of Washington makes available to the Commission*
21 *the administrative services of the State of Washington De-*
22 *partment of Ecology, the Commission shall use such services*
23 *for employment, procurement, grant and fiscal manage-*
24 *ment, and support services necessary to carry out the duties*
25 *of the Commission.*

1 **“SEC. 408. MARINE RESOURCES COMMITTEES.**

2 “(a) *IN GENERAL.*—*The government of each of the*
3 *counties referred to in subparagraphs (A) through (G) of*
4 *section 405(a)(1) may establish a marine resources com-*
5 *mittee that—*

6 “(1) *complies with the requirements of this sec-*
7 *tion; and*

8 “(2) *receives from such government the mission,*
9 *direction, expert assistance, and financial resources*
10 *necessary—*

11 “(A) *to address issues affecting the marine*
12 *ecosystems within its county; and*

13 “(B) *to work to achieve the benchmarks de-*
14 *scribed in section 406(f)(2).*

15 “(b) *MEMBERSHIP.*—

16 “(1) *IN GENERAL.*—*Each marine resources com-*
17 *mittee established pursuant to this section shall be*
18 *composed of—*

19 “(A) *members with relevant scientific exper-*
20 *tise; and*

21 “(B) *members that represent balanced rep-*
22 *resentation, including representation of—*

23 “(i) *local governments, including plan-*
24 *ning staff from counties and cities with ma-*
25 *rine shorelines;*

1 “(ii) *affected economic interests, such*
2 *as ports and commercial fishers;*

3 “(iii) *affected recreational interests,*
4 *such as sport fishers; and*

5 “(iv) *conservation and environmental*
6 *interests.*

7 “(2) *TRIBAL MEMBERS.—With respect to a coun-*
8 *ty referred to in subparagraphs (A) through (G) of*
9 *section 405(a)(1), each Indian tribe with usual and*
10 *accustomed fishing rights in the waters of such county*
11 *and each Indian tribe with reservation lands in such*
12 *county, may appoint one member to the marine re-*
13 *sources committee for such county. Such member may*
14 *be appointed by the respective tribal authority.*

15 “(3) *CHAIRPERSON.—*

16 “(A) *IN GENERAL.—Each marine resources*
17 *committee established pursuant to this section*
18 *shall select a chairperson from among members*
19 *by a majority vote of the members of the com-*
20 *mittee.*

21 “(B) *ROTATING POSITION.—Each marine*
22 *resources committee established pursuant to this*
23 *section shall select a new chairperson at a fre-*
24 *quency determined by the county charter of the*
25 *marine resources committee to create a diversity*

1 *of representation in the leadership of the marine*
2 *resources committee.*

3 “(c) *DUTIES.—The duties of a marine resources com-*
4 *mittee established pursuant to this section are the following:*

5 “(1) *To assist in assessing marine resource prob-*
6 *lems in concert with governmental agencies, tribes,*
7 *and other entities.*

8 “(2) *To assist in identifying local implications,*
9 *needs, and strategies associated with the recovery of*
10 *Puget Sound salmon and other species in the region*
11 *of the Northwest Straits listed under the Endangered*
12 *Species Act of 1973 (16 U.S.C. 1531 et seq.) in co-*
13 *ordination with Federal, State, and local govern-*
14 *ments, Indian tribes affected by this title, and other*
15 *entities.*

16 “(3) *To work with other entities to enhance the*
17 *scientific baseline and monitoring program for the*
18 *marine environment of the Northwest Straits.*

19 “(4) *To identify local priorities for marine re-*
20 *source conservation and develop new projects to ad-*
21 *dress those needs.*

22 “(5) *To work closely with county leadership to*
23 *implement local marine conservation and restoration*
24 *initiatives.*

1 “(6) *To coordinate with the Commission on ma-*
 2 *rine ecosystem objectives.*

3 “(7) *To educate the public and key constituencies*
 4 *regarding the relationship between healthy marine*
 5 *habitats, harvestable resources, and human activities.*

6 **“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION**
 7 **FOUNDATION.**

8 “(a) *ESTABLISHMENT.—The Director of the Commis-*
 9 *sion and the Director of the State of Washington Depart-*
 10 *ment of Ecology, or his or her designee, may enter into an*
 11 *agreement with an organization described in section*
 12 *501(c)(3) of the Internal Revenue Code of 1986 to establish*
 13 *a nonprofit foundation to support the Commission and the*
 14 *marine resources committees established under section 408*
 15 *in carrying out their duties under this Act.*

16 “(b) *DESIGNATION.—The foundation authorized by*
 17 *subsection (a) shall be known as the ‘Northwest Straits Ma-*
 18 *rine Conservation Foundation’.*

19 “(c) *RECEIPT OF GRANTS.—The Northwest Straits*
 20 *Marine Conservation Foundation may, if eligible, apply*
 21 *for, accept, and use grants awarded by Federal agencies,*
 22 *States, local governments, regional agencies, interstate*
 23 *agencies, corporations, foundations, or other persons to as-*
 24 *sist the Commission and the marine resources committees*
 25 *in carrying out their duties under this Act.*

1 “(d) *TRANSFER OF FUNDS.—The Northwest Straits*
2 *Marine Conservation Foundation may transfer funds to the*
3 *Commission or the marine resources committees to assist*
4 *them in carrying out their duties under this Act.*”.

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